

LABEL IN PART: (Jar Lid) "So-Li-Cious Maraschino Cherries. PACKED by W. O. Sommers, Inc., Chicago, Ill. Net Wt. 4 oz. Contains."

RESULTS OF INVESTIGATION: Examination showed the packers name and place of business and statement of ingredients to be printed on the label in type so small as to be difficult to read.

LIBELED: 8-18-61, Dist. Minn.

CHARGE: 403 (f)—when shipped, the information required to appear on the label within the meaning of 403 (e) (1) and (i) (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-5-61. Consent—claimed by W. O. Sommers, Inc., and released under bond for relabeling.

VEGETABLES AND VEGETABLE PRODUCTS

27592. Sauerkraut. (F.D.C. No. 46248. S. Nos. 24-650/52 R.)

QUANTITY: 155 cases, 12 1-lb. 4-oz. bags each, 65 cases, 12 jars each, and 131 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates, from Bear Creek and Union Grove, Wis.

LABEL IN PART: (Jar) "King's Delite Fresh Bulk Style Sauerkraut Ingredients: * * * 1 Quart King's Delite Foods, Topeka, Kansas."

RESULTS OF INVESTIGATION: Examination showed that the article in the jars was short weight. The article had been repacked into bags and jars by King's Delite Foods, Topeka, Kans., from bulk sauerkraut shipped as described above.

LIBELED: 8-15-61, Dist. Kans.

CHARGE: 402(a) (3)—while held for sale, the article (155-case and 131-case lots) contained decomposed sauerkraut; and 403(e) (2)—the article (65-case lot) failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "1 Quart" was inaccurate.

DISPOSITION: 10-2-61. Default—destruction.

27593. Sauerkraut. (F.D.C. No. 46067. S. No. 24-639 R.)

QUANTITY: 175 cases, 12 1-lb. 4-oz. bags each, at Topeka, Kans.

SHIPPED: On unknown dates from Union Grove and Bear Creek, Wis.

LIBELED: 7-7-61, Dist. Kans.

CHARGE: 402(a) (3)—contained decomposed sauerkraut while held for sale.

DISPOSITION: 9-29-61. Default—destruction.

27594. Dried pinto beans, dried Great Northern beans, and dried navy beans.
(F.D.C. No. 45973. S. Nos. 14-649 R, 14-652/3 R.)

INFORMATION FILED: 7-17-61, W. Dist. Ky., against Merchants Wholesale Grocery Co., a corporation, Louisville, Ky.

ALLEGED VIOLATIONS: Between 10-27-60 and 12-12-60, the defendants caused quantities of pinto beans, Great Northern beans, and navy beans, while held for sale after shipment in interstate commerce, to be held in a building acces-

sible to rodents, and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained rodent urine; and 402(a)(4)—the articles had been held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-24-61. \$450 fine.

27595. Precooked beans. (F.D.C. No. 46316. S. No. 77-137 R.)

QUANTITY: 314 cases, 20 2-lb. bags each, at Fresno, Calif.

SHIPPED: 2-16-60, from Guadalajara, Jalisco, Mexico.

LIBELED: 8-23-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-6-61. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27596. Verne Gagne's Three P's Dietary Supplement. (F.D.C. No. 44600. S. No. 23-232 R.)

QUANTITY: 59 cases, each containing 12,000 tablets, and 22 cases, 12 80-tablet btls. each, and 84 cases, 12 300-tablet btls. each, at Omaha, Nebr.

SHIPPED: 5-4-60 and 5-9-60, from Kalamazoo, Mich.

LABEL IN PART: (59-case lot) "Champion of the World * * * Verne Gagne's Fortified Protein Three P's Protein Power Pack Dietary Supplement Distributed by Vitamin Industries, * * * Omaha 2, Nebraska" and (btl.) "Champion of the World Verne Gagne's Three P's Dietary Supplement Distributed by Vitamin Industries 1511 Davenport St. Omaha 2, Nebr. * * * Ingredients: The readily available natural food protein factors in Three P's are composed of a special, skillfully blended formulation consisting of Soya Lecithin, Soy Powder, Solids of defatted, dehydrated milk, barley malt, Sucrose, Dextrose, Debittered Special Strain Yeast, with natural purified Bone Meal. * * * Proper nutrition and exercise together with a profound knowledge and study of nutrition is required to build a body like that of Verne Gagne. * * * Each Three P tablet weighs approximately 14 grains * * * Protein 16.40%."

RESULTS OF INVESTIGATION: The article in the bottles was repacked by Vitamin Industries, Inc., from bulk stock which had been shipped as described above.

LIBELED: 6-2-60, Dist. Nebr.

CHARGE: 403(a)—while held for sale, the label of the article in bulk and as repacked contained statements and the picture of an athlete which represented and suggested that the article was a fortified protein, that as a source of protein for special dietary food use the article would supply a significant amount of protein to the diet, and that its consumer would develop strength, power, and an athletic physique, which statements and picture were false and misleading since the article was not a fortified protein, contained an insignificant amount of protein for special dietary food use, and would not be adequate for the purposes for which it was represented.

DISPOSITION: 10-24-60. Consent—claimed by Vitamin Industries, Inc.; repacked and relabeled.